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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,105	03/31/2000	Jean-Claude Sarfati	11345/011001	1758
22511	7590	11/12/2004	EXAMINER	
OSHA & MAY L.L.P. 1221 MCKINNEY STREET HOUSTON, TX 77010			LEE, CHRISTOPHER E	
			ART UNIT	PAPER NUMBER
			2112	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/540,105	Applicant(s) SARFATI, JEAN-CLAUDE	
	Examiner Christopher E. Lee	Art Unit 2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 9, 13, 20-23, 25-29, 31, 34-36, 39 and 43-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9, 13, 20-23, 25-29, 31, 34-36, 39 and 43-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Receipt Acknowledgement***

1. Receipt is acknowledged of the Amendment filed on 25th of August 2004. Claims 1-3, 6, 20-22, 25, 27, 29, 31, 39, 43 and 50-55 have been amended; claims 37, 38 and 40-42 have been canceled; and no
5 claim has been newly added since the RCE[2] Non-Final Office Action was mailed on 13th of May 2004. Currently, claims 1-4, 6, 9, 13, 20-23, 25-29, 31, 34-36, 39 and 43-55 are pending in this application.

2. The Amendment document filed on 25th of August 2004 (hereinafter the Response) is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (*See 68 Fed. Reg. 38611*, Jun. 30, 2003). In fact, the status of the claims 45 and 55 are not
10 (previously presented), but (currently amended) according to the record. Therefore, an appropriate correction is required. See MPEP 714 [R-2] and 37 CFR 1.121(c).

Claim Objections

3. Claim 1 is objected to because of the following informalities:

Delete "the" between "a bit stream including" and "an instream loader" in line 4.

15 Delete "the" between "loading" and "the replacement version" in line 8.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

20 The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-4, 6, 9, 13, 20-23, 25-29, 31, 39, 43-51, 54 and 55 are rejected under 35 U.S.C. 112,

25 first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In the claim 1, it recites a limitation “a method of transmitting and downloading a replacement version of resident software to a receiver/decoder comprising a bootstrap loader, comprising the steps, at the receiver/decoder” in lines 1-3. However, the method of transmitting and downloading the replacement version of resident software at the receiver/decoder is not disclosed in the original specification.

Furthermore, the claims 1, 20 and 39 recite the limitation “the replacement version of resident software comprising a resident loader for replacing the bootstrap loader” in lines 5-6 of the claim 1, in lines 3-5 of the claim 20, and in lines 6-8 of the claim 39, respectively. However, the original specification does not disclose the software downloaded (i.e., the replacement version of resident software) comprising a resident loader for replacing the loader which performs the downloading of the instream loader (i.e., bootstrap loader), but the replacement version of resident software comprising a resident loader for complementing the bootstrap loader (See Application, page 23, lines 3-14).

In the claim 43, it recites “the method according to claim 1, comprising, the steps, at the transmission system” in lines 1-3. However, the method of and transmitting and downloading the replacement version of resident software at the receiver/decoder, comprising, the steps, at the transmission system is not disclosed in the original specification.

In the claim 54, it recites “updating the resident software comprises replacing the bootstrap loader with the resident loader” in lines 8-10. However, the original specification does not disclose the software downloaded (i.e., the resident software) comprising a resident loader for replacing the loader which performs the downloading of the instream loader (i.e., bootstrap loader), but the resident software comprising a resident loader for complementing the bootstrap loader (See Application, page 23, lines 3-14).

In the claim 55, it recites "the receiver/decoder is configured to update the bootstrap loader using the updated version of the resident software" in lines 7-8. However, the original specification does not disclose the software downloaded (i.e., the resident software) comprising a resident loader for updating the loader which performs the downloading of the instream loader (i.e., bootstrap loader), but the resident software comprising a resident loader for complementing the bootstrap loader (See Application, page 23, lines 3-14).

The claims 2-4, 6, 9, 13 and 43-51 are dependent claims of the claim 1.

The claims 21-23, 25-29 and 31 are dependent claims of the claim 20.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

10 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9, 43-46 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to the claim 43, it recites the subject matter "the transmission system" in lines 2-3.

There is insufficient antecedent basis for this subject matter in the claim.

The claims 9, 44-46 and 49 are dependent claims of the claim 43.

Claim Rejections - 35 USC § 103

20 8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claim 34-36, 52 and 53 rejected under 35 U.S.C. 103(a) as being unpatentable over Menand et al. [EP 0 680 216 A2; hereinafter Menand'216] in view of Menand et al. [EP 0 680 213 A2; cited by the Applicant; hereinafter Menand'213].

25 Referring to claim 52, Menand'216 discloses a transmission system (i.e., interactive TV system in Fig. 1) comprising: means for transmitting (See page 4, lines 16-17) a bit stream (i.e., signal stream; See

Fig. 8,9 and page 4, line 24) including at least one loader (i.e., interactive application; See page 3, lines 18-19); and means for dividing (See page 3, lines 19-22) said at least one loader (i.e., interactive application) into a plurality of modules (i.e., modules; See page 3, lines 33-34) and dividing said software (i.e., interactive component data; See page 3, line 35) associated with said at least one loader into a
5 respective plurality of modules (i.e., application data module; See page 3, line 33) for transmittal by said transmitting means (e.g., satellite transponder; See page 4, lines 16-17).

Menand'216 does not disclose said at least one loader for loading a replacement version of resident software into a receiver/decoder.

Menand'213 discloses a loader (i.e., autostart module; See col. 2, lines 40-43 and col. 7, lines 42-50) for
10 loading a replacement version of resident software (i.e., an application; See col. 6, lines 16-18 and 23-41) into a receiver/decoder (See col. 2, line 36 through col. 3, line 2 and col. 7, lines 28-53), and said replacement version of resident software associated with said at least one loader (i.e., a plurality of associated data modules to said code modules; See col. 1, line 53 through col. 2, line 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was
15 made to have included said loader, as disclosed by Menand'213, in said interactive application, as disclosed by Menand'216, so as to load an associated application from said bitstream into said receiver/decoder (See Menand'213, col. 7, lines 46-51).

Referring to claim 53, Menand'216 discloses means for formatting each of said modules of said at least one loader as a respective table (i.e., directory module; See TABLE II in Fig. 6 and page 5, lines
20 51-54), said table of said at least one loader having the same respective table identification ("TID"; Application Identifier AID; See Fig. 6 and page 5, lines 54-55) and respective different table identification extension ("TID-extension"; i.e., module identification for code/data module; See Module Identifier in Fig. 5,6); and means for formatting each of said modules of said replacement version of resident software associated with said at least one loader (See page 3, lines 32-35) as a respective table

(See TABLE II “respective table for each module” in Fig. 6), said tables of said loader modules associated therewith (See page 5, lines 56-57) and respective different TID-extensions (i.e., module identification for code/data module).

Referring to claim 34, Menand’216, as modified by Menand’213 and Steinberg, discloses said

5 tables have respective different TID-extensions (i.e., service component identifications for respective transport packets in the transmission unit header; See Menand’216, page 3, lines 19-35 and page 7, lines 1-4) other than a predetermined TID-extension (i.e., module identification for code/data module; See

Menand’216, Module Identifier in Fig. 5 and Fig. 6); said system further comprising a respective

directory tables (i.e., directory module; Menand’216) for said plurality of modules having the same TID

10 (i.e., the same directory module identification; See Menand’213, col. 14, lines 41-44), each directory table having that TID (i.e., AID; See Menand’216, Fig. 6) and said predetermined TID-extension (i.e., module

identification for code/data module; Menand’216), said directory table (i.e., directory module;

Menand’216) containing for each of said modules a name of that module (i.e., string table for module

names; Menand’216) and the respective TID-extension (i.e., module identifier; See Menand’216, Fig. 6

15 and page 5, lines 53-58).

Referring to claim 35, Menand’216 discloses means for generating a directory table (i.e., directory module; See page 5, lines 51-58) having a predetermined table identification (“TID”;

Application Identifier AID; See Fig. 6 and page 5, lines 54-55) and containing, for each of a plurality of version identifications (i.e., module version numbers in Fig. 6) of a receiver/decoder (i.e., interactive TV

20 system in Fig. 1), a respective TID (i.e., application identifier) associated with that version identification (See Fig. 6 and page 5, lines 53-58).

Referring to claim 36, Menand’216 discloses means for including in each transmitted table (i.e., module) a version identification (i.e., module version number; See Fig. 5,6; therefore (See page 5, lines 39-40).

Response to Arguments

10. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Actually, the Applicant introduces new subject matters in the amended claims without any supporting disclosure in the original specification. Thus, the claims 1-4, 6, 9, 13, 20-23, 25-29, 31, 39, 43-51, 54 and 55 are newly rejected under the first paragraph of 35 U.S.C. 112 in the instant Office Action (new matter issue; See paragraph 4 of the instant Office Action).

And, the claims 34-36, 52 and 53 are newly rejected under 35 U.S.C. 103(a) as being unpatentable over Menand'216 in view of Menand'213.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Lee whose telephone number is 571-272-3637. The examiner can normally be reached on 9:30am - 5:30pm.

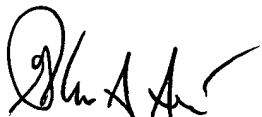
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H. Rinehart can be reached on 571-272-3632. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application
5 Information Retrieval (PAIR) system. Status information for published applications may be obtained
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Christopher E. Lee
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